

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

UNITED STATES OF AMERICA

V.

JAMES BROWN,

Defendant.

Case No. 1:20CR00026

ORDER

By: James P. Jones
United States District Judge

The defendant has filed a Motion to Dismiss Count Four, contending that 18 U.S.C. § 922(g)(3) is facially unconstitutional. Trial is scheduled on Count Four beginning June 7, 2021.

As noted by the defendant, the same issue is raised in an appeal currently in the Fourth Circuit, *United States v. Hasson*, No. 20-4126, tentatively calendared for oral argument during the March 2021 session.¹ Under these circumstances, I will hold in abeyance further briefing and consideration of the defendant's motion pending decision or further developments in the *Hasson* appeal. In any event, the parties should be prepared to proceed to trial as scheduled.

It is so **ORDERED**.

¹ Appellant Hasson was a former Coast Guard officer and white nationalist who plotted to murder various politicians and media figures. He conditionally pleaded guilty in the District of Maryland, preserving the present issue, among others, for appeal.

ENTER: January 25, 2021

/s/ JAMES P. JONES

United States District Judge